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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,681	08/01/2000	Mark R. Hinds	13415	7498

293 7590 06/02/2004
DOWELL & DOWELL PC
SUITE 309
1215 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

EXAMINER

PHAN, HANH

ART UNIT	PAPER NUMBER
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2633

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/630,681

Applicant(s)

HINDS ET AL.

Examiner

Hanh Phan

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 03/19/2004.
2. The indicated allowability of claims 4 and 7 is withdrawn in view of the newly discovered reference(s) to Oliva et al (US Patent No. 6,654,802). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 6, 7, 13, 14, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Oliva et al (US Patent No. 6,654,802).

Regarding claim 1, 4, 13 and 14, referring to Figure 11, Oliva discloses in an optical system comprising a plurality of interconnected optical components, a method of verifying if a fiber connection between a first optical component (i.e., network element 42, Fig. 11) and a second optical component (i.e., network element 44, Fig. 11) is correct, the method comprising:

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storing a predefined connection model in a processing agent (i.e., management system 46, Fig. 11);

generating a port identification message (i.e., port identification 64, Fig. 11) at the first optical component (i.e., network element 42, Fig. 11);

transmitting the port identification message (i.e., port identification 64, Fig. 11) from the first optical component (i.e., network element 42, Fig. 11) to the second optical component (i.e., network element 44, Fig. 11) over a dedicated communications channel running parallel to the fiber connection;

conveying the port identification message received at the second optical component and information identifying the second optical component (i.e., NE unique ID 70 of network element 44, Fig. 11) to the processing agent (i.e., management system 46, Fig. 11);

checking the port identification message and information identifying the second optical component against the predefined connection model stored in the processing agent to determine if the connection is correct; and

indicating a correct connection or a misconnection (see col. 3, lines 6-53, col. 4, lines 19-67, col. 5, lines 1-11, col. 6, lines 15-67, col. 7, lines 1-40, col. 8, lines 55-67 and col. 9, lines 1-46).

Regarding claim 6, Oliva further teaches the processing agent is resident on the first or second optical component (Fig. 1).

Regarding claim 7, Oliva further teaches the predefined connection model stored in the processing agent is generated from user input of a pre-provisioned or inferred

connection expectation (see col. 3, lines 6-53, col. 4, lines 19-67, col. 5, lines 1-11, col. 6, lines 15-67, col. 7, lines 1-40, col. 8, lines 55-67 and col. 9, lines 1-46).

Regarding claim 18, Oliva further teaches the processing agent is control software located remotely from the first and second optical components (Fig. 11).

Regarding claim 19, Oliva further teaches the processing agent is connected to the first and second optical components via electrical backplane connections (Fig. 11).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3, 5, 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliva et al (US Patent No. 6,654,802).

Regarding claims 2, 5, 9, 10 and 12, it would have been to obtain the dedicated communications channel running parallel to the fiber connection is an optical fiber link separate from the fiber connection in order to allow the port identification, network element identification and management signals are distinguished from the data signal and simultaneously avoiding the interference between the signals.

Regarding claims 8 and 11, it would have been obvious to obtain an optical transmitter and an optical receiver in order to provide an optical communication network with high capacity and high speed.

Allowable Subject Matter

7. Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (703)306-5840.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (703)305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.



Hanh Phan

05/26/2004